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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

CUENOUD ET AL.

APPLICATION NO: 10/696,488

FILED: OCTOBER 29, 2003

FOR: 2'-SUBSTITUTED NUCLEOSIDES AND OLIGONUCLEOTIDE
DERIVATIVES**MS: Amendment**

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Restriction Requirement dated October 3, 2007, Applicant hereby elects inventive Group I, covering Claims 1-39, 48-51 and 54-58, drawn to an oligonucleotide derivative.

Applicant further elects for prosecution a single molecular composition of the radical "A", cited in claims 1, 2, 10, 24, 33 and 56, wherein radical A is specifically:



Applicant asserts that all species of the elected invention are entitled to be granted under a single patent. However, in order to facilitate examination, and as requested by Examiner, Applicant elects the following species for initial examination:

- i) $R_1 = H , R_2 = H ,$
- ii) $R_3 = H ,$
- iii) $R_4 =$ not elected because $n = 0 ,$

- iv) Because R_1 and R_2 are independently H, no species election is required for R_5 , R_6 , Formula II or Formula III,
- v) No election is made for Formula IVa, Formula IVb, because these radicals are not comprised in the elected inventive Group I.
- viii) Because claim 40 is not part of the elected inventive Group I, no species election is made for Formula B or Formula C,
- x) The species election for the internucleosidic bridging moiety is those species specifically recited in claim 16, with the phosphodiester taking precedence,
- xii) No species election is made for R_8 in claim 15, because R_8 is not included in an elected species,
- xiii) The species election for Va and Wa in claim 39 is both independently trityl.

Any change to inventorship required based on the elected invention will be communicated to the Examiner, as appropriate.


By separate paper, a petition to extend the period of response by 5 months, to April 3, 2008, is submitted.

For any fees required under 37 CFR §1.16 or §1.17, Commissioner is authorized to charge, and to credit any overpayment, to Deposit Account No. 50-4409 in the name of Novartis.

Respectfully submitted,

Novartis Institutes for Biomedical Research, Inc.
400 Technology Square
Cambridge, MA 02139

(617) 871-3224



Thomas J. Digby
Attorney for Applicants
Reg. No. L0242

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